

322
1953
LS-2008
Subject

OGC HAS REVIEWED.

Chief, ADMIN/DDP

8 January 1953

Office of the General Counsel

STATINTL

Reimbursement of [REDACTED]

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1. Attached hereto is a claim submitted by [REDACTED] and forwarding memoranda from Acting Chief, FE and Chief, MPD. Subject, [REDACTED] requests reimbursement for personal out-of-pocket expenses incurred by himself and family in anticipation of an assignment overseas, which did not materialize. No attempt has been made at this time to adjudicate the off-set claim mentioned in Chief, MPD memorandum dated 1 December 1952. On the facts as presented the following opinion concerning the validity of Subject's claim is presented for your information.

2. When a claim is submitted by an employee or a former employee for reimbursement of out-of-pocket expenses, the normal practice is to ascertain whether the claim is justifiable under normal Government regulations. [REDACTED]

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3. In effect, the Comptroller General has stated that this broad authority should not be utilized where normal Government regulations do not suffice, in order to justify the expenditure of funds which are administrative in nature. It would seem that the only

justification for the use of such authority lies only when the facts fall within the definition of "the extraordinary functions assigned that Agency."

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4. This strict interpretation was recognized in CIA Notice [REDACTED] wherein it was stated, "it [REDACTED] was not granted to be used to relieve ourselves of administrative problems which are common to Government generally and are not affected by factors unique to CIA."

"....Frequently the cases involve last minute determinations to change the travel or assignments of individuals. Such last minute changes..., in many instances...cannot be supported on true operational grounds...."

5. The only conclusion that can be reached is that reimbursement will be authorized only when disbursements are made in accordance with the operational functions of this Agency and not otherwise. On the facts as presented in the instant case, it is difficult to show that the expenditures are related to the peculiar functions of the Agency. Consequently, no authority can be found for granting the claim, with a few exceptions noted below, under [REDACTED]. The nature of the items of the claim are purely personal, either inuring to the benefit of Subject's family or to Subject. They are the type of expenditures that would normally be made by an individual contemplating a tour of duty overseas. One in Government service must accept the fact that orders can be canceled or assignments can be changed.

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6. That part of the claim which is justified relates to a portion of item 12, which pertains to inoculation expenses. Under the authority granted in CIA [REDACTED] the Agency is authorized to pay for the immunization treatment of dependents, but nowhere is travel incidental to such treatment specifically authorized. Consequently, only that part of the claim which represents the actual immunization cost can be allowed.

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7. [REDACTED]

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[REDACTED] The resultant decision of the Comptroller General, noted in E-91916 (unpublished), held that the actual cost of inoculation was reimburseable. To attempt to justify costs of travel associated with such immunization treatment as coming within the scope of the regulation, would be in violation of the specific intent of the referenced decision. A holding contrary to this could be an absurdity and could result in an invitation to dependents to obtain such treatment in any location of their choosing.

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Assistant General Counsel

Attachments - Subject correspondence

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Attachments